

EXHIBIT 5

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
C.A.NO.: 17-10432-DJC

-----x
AMANDA ARNOLD,

Plaintiff,

VS

THE WOODS HOLE, MARTHA'S VINEYARD
AND NANTUCKET STEAMSHIP AUTHORITY,

Defendant.

-----x
DEPOSITION OF AMANDA ARNOLD,

taken on behalf of the Defendant,
pursuant to the applicable provisions of the
Massachusetts Rules of Civil Procedure, before
Tara L. Wosny, Notary Public and Certified
Shorthand Reporter, within and for the
Commonwealth of Massachusetts, at the offices of
Clinton & Muzyka, P.C., 88 Black Falcon Avenue,
Suite 200, Boston, Massachusetts, on Wednesday,
December 13, 2017, at 10:00 a.m.

1 A. I'm sorry?

2 Q. When you entered the ladies' room and went
3 through the door and let go of the door, did it
4 slam shut by itself?

5 A. It shut like a heavy door would shut, yes.

6 Q. And how would a heavy door shut? Explain for me
7 because I may understand it differently than
8 you.

9 A. It shut quickly.

10 Q. As you're approaching the door to exit the
11 ladies' room, tell me how you went through the
12 door.

13 A. I opened the door all the way and then --

14 Q. With what hand?

15 A. With my right hand. I walked out.

16 Q. So as I understand it, the handle is on the left
17 side; is that correct?

18 A. Yes.

19 Q. So as you approached the door, you reach across
20 your body with your right hand?

21 A. Yes. My right is more dominant and stronger and
22 it's a heavy door.

23 Q. And so you pulled it open?

24 A. Yes.

1 A. Yes.

2 Q. It's got a pull that goes into the side of the
3 frame?

4 A. Yes.

5 Q. What did you have to do to release that pull so
6 you could open the door?

7 MS. PENNOCK: Objection to form.

8 A. Turn the knob like you would any door.

9 Q. Okay. So when you turned the knob, which way
10 did you turn it, right or left?

11 A. Right.

12 Q. After you turned the knob, what did you do next?

13 A. I pulled the door open.

14 Q. Okay. And did you open it all the way so that
15 the knob was near the wall that the hinges were
16 next to?

17 A. Yes. Well, there wasn't a wall there. There
18 was like a changing table kind of thing. So
19 there was a little space. But, no, I had to
20 open it all the way to get through it.

21 Q. And did you open it all the way?

22 A. Yes.

23 Q. Okay. After you opened it all the way, tell me
24 exactly what you did to exit the area.

1 A. I walked through the door.

2 Q. Okay. You let go of the handle?

3 A. Yes.

4 Q. And when you walked through the door, how long
5 did it take you to step over the threshold and
6 get outside into the passageway?

7 A. A second or two.

8 Q. When you let go of the door with your right
9 hand, what did you do with your right hand?

10 A. As soon as I stepped through the door is when
11 the boat started to rock this way.

12 MS. PENNOCK: Heading backwards.

13 A. Heading backwards. So I immediately turned
14 around and was, like, looking for something to
15 grab so I wouldn't fall and I couldn't find
16 anything to grab so that's when I braced myself
17 against the wall that was just to the left of
18 the door.

19 Q. Let me understand this. When you were
20 approaching the door, was the vessel rolling at
21 that time?

22 A. Not as strongly as it felt. It was a heavy rock
23 when I had exited the door.

24 Q. Was it rolling or was there motion before you

were going to the door?

A. Not that I can recall at this time.

Q. Okay. So as I understand it, you opened the door with your right hand?

A. Yes.

Q. You pull it fully open?

A. Yes

Q. You let go; is that correct?

A. Yes

Q. With your hand?

A. Yes, as you pass through it, you have to let go of it.

Q. Were you carrying anything in your left hand?

A. Nothing

Q. And you stepped through and you stepped over the threshold into the passageway; is that correct?

A. Yes, just outside the door

Q. And when you were stepping into the passageway, is that when the vessel rolled?

A. As soon as I stepped is when it rocked back

Q. Okay.

A. And that's when I immediately reacted to not fall.

Q. All right. When the vessel rocked back which

1 way did your body go?

2 A. To the right. I turned around immediately
3 because there was nothing -- the walkway is very
4 wide, and I couldn't reach anything over there.
5 And I was directly close to the wall. And
6 that's why when I turned around to look for
7 something to grab, and there was nothing to
8 grab, so that's when I braced myself to not
9 fall. And within seconds that's when the door
10 had slammed shut.

11 Q. The question that I asked you is when you were
12 stepping through the door and the vessel rocked,
13 which way did your body move? Did your body
14 keep moving forward as you were facing?

15 A. No.

16 Q. Did it go backwards?

17 A. No, I moved back. It rocked back. That's why I
18 had turned around to the right-hand side.

19 Q. Okay. Did the motion of the vessel rocking back
20 cause you to go backwards from the way you were
21 standing?

22 A. No.

23 Q. Okay. Did the rocking of the vessel cause you
24 to turn in any way?